

Rec'd. CT/PTO 30 SEP 2002

#2

Docket No. 5088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent application of Maier et al.

Serial No. 09/926821

Filing date: December 26, 2001

Title: A Solid Formulation of Glucosamine Sulphate

Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. 1.47(a)

Sir:

One of the two inventors (Parekh) has refused to sign the declaration for this application. We therefore request that examination of the application be allowed to go forward without his signature, based on the enclosed declaration signed by the other inventor (Maier) on his own behalf and on behalf of inventor Parekh. We also enclose sworn statements of Rene Wenger and Dieter Engel, detailing circumstances surrounding the refusal to sign.

Mr. Parekh's last known address is

Alte Steinacherstrasse 10
8804 Au
Switzerland.

A check for the fee due under 37 C.F.R. 1.17(i) is also enclosed. Charge any deficiency to Deposit Account 09-2110.

10/02/2002 SHAJARO 00000062 09926821

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130.00 OP


Charles W. Fallow
Reg. No. 28,946

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Arlington, Virginia 22202
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September 30, 2002

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STATEMENT OF DIETER WOLFGANG ENGEL

Sir:

I am a CEO employed by SCA Lohnherstellungs AG, a producer of pharmaceuticals in Kirchberg, Switzerland. I was responsible for securing signatures on the documents required for this application.

On or about April 22, May 24 and May 29, 2002, I sent the U.S. patent application identified above to Mr. Harish Parekh at his business address:

Pharma Base SA

Seepark

Churerstrasse 166

8808 Pfäffikon, Switzerland

and requested that he sing the declaration which was attached to the application. Mr. Parekh refused to sign. I believe he does not intend to sign the declaration, and that further attempts to secure his signature will be unsuccessful.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that the making of willful false statements or the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Dieter Wolfgang Engel
Dieter Wolfgang Engel
Eschenstrasse 38
9524 Zulwil, Switzerland

September 27, 2002

Docket No. 5088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent application or Maier et al.

Serial No. 09/926821

Filing date: December 26, 2001

Title: A Solid Formulation of Glucosamine Sulphate

Commissioner for Patents

Washington, D.C. 20231

STATEMENT OF RENE WENGER

Sir:

I am a patent attorney practicing in Switzerland. I represent the assignee of the patent application identified above and was responsible for obtaining signatures on the inventors' declaration for the application.

On June 20, 2002, I sent the patent application by mail to Mr. Harish Parekh, one of the inventors of the invention described and claimed in the application, with a written request that he sign the declaration and return it to my office. The letter was addressed to Mr. Parekh at his last known business address:

Pharma Base SA
Seepark
Churerstrasse 166
8808 Pfäffikon, Switzerland

Mr. Parekh has not answered my letter. To my knowledge, he has not signed the declaration, and I believe that he does not intend to sign the declaration.

I hereby declare that all statements made herein of my own knowledge are true,

and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that the making of willful false statements or the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.



René Wenger

Hepp, Wenger & Ryffel AG
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Switzerland

September 26, 2002